

Before the
New Hampshire Real Estate Commission
Concord, New Hampshire 03301

In The Matter Of: Docket No.: 2013-018
New Hampshire Real Estate Commission v. Catherine A. Steesy
License No.: 057167
(Adjudicatory/Disciplinary Proceeding)

FINAL DECISION AND ORDER

Before the New Hampshire Real Estate Commission ("Commission") is an adjudicatory/disciplinary proceeding In the Matter of Catherine A. Steesy ("Respondent" or "Ms. Steesy") in Docket Number 2013-018.

Background Information:

Respondent Catherine Steesy failed to disclose two criminal convictions that occurred on October 4, 2010 for Obstruction of Government Administration Class B misdemeanor and Resisting Arrest or Detention Class B misdemeanor at the time she submitted her Application for Renewal of Broker License Form which was received at the Commission office on February 28, 2011, and with her subsequent Application for Renewal of Broker License Form received at the Commission office on February 26, 2013. On May 1, 2013, the Commission's Investigator Ann Flanagan initiated Complaint File No. 2013-018 against Respondent. Subsequent to an investigation, on August 21, 2013, the Commission issued a Notice of Hearing for a hearing scheduled for September 17, 2013.

On Tuesday, September 17, 2013, at 12:50 p.m., the Commission commenced the adjudicatory/ disciplinary hearing in the above captioned matter. Commission members present¹ were:

David C. Dunn, Commissioner, Presiding Officer
William E. Barry, Commissioner
Paul A. Lipnick, Commissioner

The prosecution was conducted by Ann Flanagan, the Commission's Investigator. Ms. Steesy was pro se.

¹ These same Commission members also deliberated and voted on this Final Decision and Order.

The following exhibits were introduced into evidence and accepted into the record:

- Complainant Investigator Flanagan's Exhibits:
Exhibit #1 - Complaint File 2013-018: pages 1-24.
- The Respondent's exhibits: none were introduced.

The following witnesses were present and testified at the hearing:

- Rebecca Davis on behalf of Catherine Steesy.

Findings of Fact:

In light of the testimony and exhibits, the Commission finds the following facts:

1. Respondent was first issued a license as a real estate salesperson from the Commission on April 23, 2003 until she received her real estate broker's license on April 14, 2005. At the time of the allegations, Respondent was licensed as a real estate broker, license #057167, in active status with a license period of April 14, 2013 – April 14, 2015.
2. Respondent was convicted of two misdemeanor B offenses on October 4, 2010 for Obstruction of Government Administration and for Resisting Arrest or Detention. (Ex. 1, pages 18-19).
3. Respondent failed to disclose the two criminal convictions from October 4, 2010 on her Application for Renewal of Broker License Form received at the Commission office on February 28, 2011 and her subsequent Application for Renewal of Broker License Form received at the Commission office on February 26, 2013.
4. On both renewal applications received on February 28, 2011 and February 26, 2013, Respondent answered "no" to question #6, "Have you, since your last original or renewal application, been convicted of a misdemeanor or felony offense? If yes, contact this office at (603) 271-2703 for

an Arrest & Conviction Form or you may obtain the form from the Commission website at www.nh.gov/nhrec under the licensing section.” (Ex. 1, pages 13 & 15)

5. Respondent contacted the Commission office after she submitted her Renewal of Broker License Form which was received at the Commission office on February 26, 2013 to find out if she should have disclosed two misdemeanor convictions from October 4, 2010. After Respondent was informed by Commission staff that she should have disclosed her convictions she submitted a Commission Arrest & Conviction Form to the Commission and requested a NH Criminal History Record from the NH Department of Safety on March 11, 2013.

6. The Commission received Respondent's Criminal History Record on March 19, 2013 showing two Class B misdemeanor offenses on October 4, 2010 for Obstruction of Government Administration and Resisting Arrest or Detention.

7. Respondent testified at the hearing that it was an oversight that she didn't disclose the two criminal convictions when she completed her Application for Renewal of Broker License Form on February 22, 2011, and that she was experiencing a lot of stress in her life at the time she submitted her renewal application. (Ex. 1, pages 12-13)

8. Respondent testified that a discussion took place at the real estate office where she is licensed, about situations that should be reported to the Commission. Ms. Steesy stated that this discussion triggered her memory of the two misdemeanor offenses. After this discussion, Ms. Steesy stated she contacted the Commission to see if she if should have reported the misdemeanor offenses. Ms. Steesy stated that she submitted to the Commission the Commission's Arrest & Conviction Form disclosing the two misdemeanor offenses.

Relevant Law:

RSA 331-A:26, Prohibited Conduct. – The following acts, conduct or practices are prohibited, and any licensee found guilty after a hearing shall be subject to disciplinary action as provided in RSA 331-A:28:

I. – Obtaining or attempting to obtain a license by means of fraud, misrepresentation or concealment.

Rea 301.01 Application Form.

(a) All applicants for licenses under RSA 331-A as brokers shall supply the following on or with Form 1-RE, in addition to the information required by RSA 331-A:12:

(16) Convictions for criminal misdemeanor or felony offenses.

Rulings of Law:

The Commission makes the following findings by a preponderance of the evidence:

1. The Respondent attempted to obtain a license by means of concealment by failing to disclose two criminal convictions which occurred on October 4, 2010 for Obstruction of Government Administration Misdemeanor B Offense and Resisting Arrest or Detention Misdemeanor B Offense on her Application for Renewal of Broker License forms received at the Commission office on February 28, 2011 and February 26, 2013, in violation of RSA 331-A:26, I (Notice of Hearing, paragraph 5). The Commission took into consideration the mitigating factor that Respondent contacted the Commission office shortly after submitting her Renewal for Broker License Form which was received at the Commission office on February 26, 2013 to notify the Commission that she had prior criminal convictions after she became aware at an office meeting that she should have disclosed on her Renewal for Broker License Form that she was convicted of two Misdemeanor B Offenses.

Disciplinary Action:

Based upon the Findings of Facts and Rulings of Law above, the Commission has voted to order the following:

IT IS ORDERED that the Respondent pay a disciplinary fine in the amount of two-hundred fifty dollars (\$250) to the New Hampshire Real Estate Commission, payable to the Treasurer State of New Hampshire within ninety (90) days of the effective date of this Order; and Respondent shall show proof of full attendance at a New Hampshire Real Estate Commission accredited 3-hour continuing education course about Ethics by submitting to the Commission an affidavit of the completed course (this continuing education course is to be completed by classroom delivery method only and is not to be counted towards Respondent's continuing education requirements for renewal of license) within ninety (90) days of the effective date of this Order. Failure to comply with

this disciplinary Order will result in the suspension of Respondent's real estate license until the fine is paid and the course is completed.

IT IS FURTHER ORDERED that the Respondent's failure to comply with any terms or conditions imposed by this Final Decision and Order shall constitute unprofessional conduct pursuant to RSA 331-A:26, XXIX, and a separate and sufficient basis for further disciplinary action by the Commission against the Respondent.

IT IS FURTHER ORDERED that this Final Decision and Order shall become a permanent part of the Respondent's disciplinary file, which is maintained by the Commission as a public document.

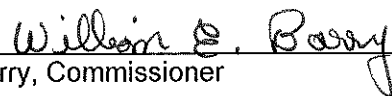
IT IS FURTHER ORDERED that if this decision is not appealed within 30 days of the effective date, it shall become final. See RSA 331-A:28, III ("The action of the commission in revoking, suspending, or denying a license or accreditation, or levying a fine, shall be subject to appeal to the superior court at the instance of the licensee or an accredited individual, institution, or organization, within 30 days after the filing of the commission's decision...").

IT IS FURTHER ORDERED that this Final Decision and Order shall take effect as an Order of the Commission on the date the Commission signs it.



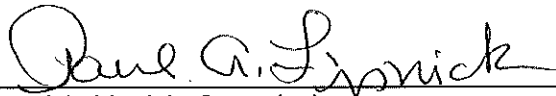
David C. Dunn, Presiding Officer

10/15/2013
Date



William E. Barry, Commissioner

10/15/2013
Date



Paul A. Lipnick, Commissioner

Oct. 15, 2013
Date

*\ James R. Therrien, Commission member, (case evaluator) recused. Daniel S. Jones, Commission member, recused.